

Before the  
 Federal Communications Commission  
 Washington, D.C. 20554

In the Matter of Application of )  
 )  
 UNIVERSITY OF MINNESOTA - ATHLETICS ) FCC File No. 0003927162  
 )  
 Request for Waiver of Section 90.267 to Exceed )  
 Maximum Antenna Height )

**ORDER**

**Adopted: March 16, 2010**

**Released: March 17, 2010**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. This item grants a request for waiver of the antenna height limit for certain frequencies designated for low power use. We have before us an application filed by the University of Minnesota - Athletics (the University) for a new base station to be located at its football stadium.<sup>1</sup> For the reasons discussed herein, we grant the waiver request.

2. Section 90.267(b)(2)(ii) of the Commission's Rules provides that the maximum antenna height for low power fixed stations on Group A1 frequencies is twenty-three meters.<sup>2</sup> The above-captioned application seeks authorization for a new base station atop TCF Bank Stadium, at a height of forty meters, in order to provide effective coverage both inside and outside the stadium.<sup>3</sup> The communications system will support Security, Medical, Parking, Usher, and Stadium Management staff, which serve over sixty thousand spectators and employees on the athletic facility grounds.<sup>4</sup> Because one of the frequency pairs requested in the application is in low power pool Group A1,<sup>5</sup> the University requests a waiver of Section 90.267(b)(2)(ii).

3. To obtain a waiver of the Commission's Rules, a petitioner must demonstrate either that the underlying purpose of the rule(s) would not be served or would be frustrated by application to the present case and that grant of the waiver would be in the public interest; or that, in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.<sup>6</sup> We conclude that the University has made the requisite showing for grant of a waiver.

4. The purpose of the antenna height limit is to reduce the possibility of harmful interference to

<sup>1</sup> FCC File No. 0003927162 (filed Aug. 7, 2009).

<sup>2</sup> See 47 C.F.R. § 90.267(b)(2)(ii).

<sup>3</sup> See Letter dated July 9, 2009 from Derek Hillestad, Director of Operations, TCF Bank Stadium, University of Minnesota at 1.

<sup>4</sup> *Id.*

<sup>5</sup> Specifically, 451/456.7375 MHz. See 47 C.F.R. § 90.267(b)(4). The University's frequency coordinator states that it performed a frequency search and could find no other channels that were more suitable.

<sup>6</sup> 47 C.F.R. § 1.925(b)(3).

neighboring licensed operators, and to maximize reuse of low power pool frequencies.<sup>7</sup> Our engineering staff has analyzed the University's application, and we conclude that the proposed facility is unlikely to cause harmful interference to other licensee or impede the reuse of the frequency much beyond the University campus. Thus, we conclude that granting a waiver of the maximum height with respect to the proposed antenna will not frustrate the underlying purposes of the rule. We also conclude that a waiver grant is in the public interest, because it will improve the coverage of the University's communications system.<sup>8</sup>

5. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925, that the waiver request filed on August 7, 2009 by University of Minnesota - Athletics with respect to application FCC File Number 0003927162 IS GRANTED, and application FCC File No. 0003927162 SHALL BE PROCESSED in accordance with this *Order* and the Commission's Rules.

6. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>7</sup> See Amendment of Part 90 of the Commission's Rules and Policies for Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450-470 MHz Band, *Report and Order*, WT Docket No. 01-146, 18 FCC Rcd 3948, 3959 ¶ 24 (2003).

<sup>8</sup> See, e.g., City of El Segundo, *Order*, 20 FCC Rcd 10105, 10107 ¶ 7 (WTB PSCID 2005); City of Miami Beach, Florida, *Order*, 18 FCC Rcd 2589, 2592 ¶ 10 (WTB PSPWD 2003).